

**Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272**

**Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services**

STATEMENT OF BASIS

**Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272
Activity Number: PER19960001
Proposed Permit Number: 2260-00002-V0
Activity Number: PER20050002
Proposed Permit Number: PSD-LA-713**

I. APPLICANT

Company:
Big River Industries, Inc
PO Box 66377
Erwinville, Louisiana 70896-6377

Facility:
Gravelite Division
12652 Hwy 190 West
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Latitude: 30 32 11
Longitude: 91 25 05

II. FACILITY AND CURRENT PERMIT STATUS

The Gravelite Division produces lightweight or expanded aggregate material for use in products such as concrete blocks, and lightweight concrete. The operation involves feeding clay (mined on site) through one of four rotary kilns to produce an expanded lightweight gravel-size aggregate. The kilns are currently fired with coal (maximum of 1.5 % by weight sulfur content) as the primary fuel and natural gas as support fuel (typically used for kiln startup). The clay is fed into the back of the kiln where it is dried and expanded as it travels through the kiln to the front end where the temperature is maintained at 2100 °F. The exhaust gases exit each kiln and enter via a dust chamber and scrubbers for PM₁₀ and SO₂ emissions control. The hot aggregate exiting each kiln enters into a cooler. A blower forces ambient air through the cooler to cool (dry) the aggregate. The ambient air is heated as it passes through the hot aggregate in the cooler. A portion of the air exiting the cooler is fed into the kiln hood as secondary combustion air and the balance is discharged via cooler multi-cyclones through the cooler vent stack.

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

The smaller aggregate (smaller than 4 to 6 inches) falls through the grating onto a conveyor belt. The clinkers collected by the grating are placed onto the ground behind the cooler.

The aggregate is transported via conveyor to a series of screens and crushers utilized to size and segregate the material. The sized material is then stockpiled and is ready for shipment via rail cars and trucks. Stockpiled material ranges in size from 5/8 inch to 100 mesh.

Big River utilizes conveyor systems to transfer the aggregate material throughout the plant. Fugitive dust emissions (particulate matter) potentially occur at each conveyor transfer point. Water suppression systems are used throughout the conveyor systems as needed for fugitive dust control.

A maximum of 770,880 tons of clay will be dried and calcined and 347,000 tons of light aggregates of various sizes are produced at the facility annually.

The facility submitted a timely application for an initial Part 70 permit and is currently operating under Permit No. 2260-00002-01 issued September 02, 1990, small source Permit No. 2605 issued May 12, 1999, and an Authorization to Construct issued October 28, 1999.

III. PROPOSED PROJECT/PERMIT INFORMATION

Application

A permit application was submitted on October 14, 1996 requesting a Part 70 operating permit for the Gravelite Division. The application was subsequently revised on January 15, 1998, October 20, 1998, July 12, 2002, and July 11, 2005. Additional information dated February 01, 2006, February 16, and March 20, 2006 were also submitted. Subsequent revisions dated, April 03, 2006, April 17, April 19, as well as additional information dated April, 21, April 24, April 26, and May 01, 2006 were also received.

Project

Big River proposes a number of changes at the facility. Some of these changes will take place immediately after the permit is granted (Phase I) and others involve physical modifications (retrofit) and as such will start at a later date and will be completed over a period of time (Phase II). During Phase I the facility will be firing the kiln with coal with sulfur content not exceeding 1.5% by weight and with the scrubber's SO₂ removal efficiency of at least 80%, and the associated emissions will be capped to allow operational flexibility while maintaining compliance with the sulfur emissions limit. Phase II will be the normal operating mode of the facility after the modifications are completed. This entails only a change in the fuel from coal only to coal coke petroleum mixtures of up to 50%, by weight, petroleum coke and the scrubbers SO₂ removal efficiency increase to at least 93.0%.

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

The total estimated potential PM₁₀, NO_x, CO, and VOC emissions are naturally the same for both phases. The four kilns SO₂ total potential to emit during Phase I is 372.30 tons/yr which is higher than that of these kilns during Phase II which is 258.08 tons/yr. The latter is 37.68 tons above the permitted limit under the state Permit No. 2260-00002-01 and is less than the PSD significance level of 40 tons. This difference is attributed to existing scrubbers lower SO₂ removal efficiency of 80.0% during Phase I while it will increase to 93.0%, as a result of retrofitting the scrubbers after completing Phase II. However, the four kilns SO₂ total potential to emit during Phase I will be held to the same limit permitted for Phase II by a federally enforceable condition limiting the SO₂ emissions (CAP) to maintain the SO₂ emission increase under the PSD threshold.

Proposed Permit

Permit 2260-00002-V0 will be the initial Part 70 operating permit for Big River Industries' Gravelite Division.

An initial PSD Permit No. PSD-LA-713 will be issued.

Permitted Air Emissions

Implementation of the Feed Increase and Flexibility Project, mainly the proposed increase in the kilns clay feed rates, the increase in the operating hours, and the ability to burn coal petroleum coke mixtures of up to 50% by weight petroleum coke as described above in items 3, 4 and 11, will increase PM₁₀ and NO_x emissions at the plant above PSD levels.

Estimated emissions increases from the Project, in tons per year, are as follows:

<u>Pollutant</u>	<u>Project-Related Increase (tpy)</u>	<u>Contemporaneous Decreases/Increases</u>	<u>PSD De Minimis</u>	<u>PSD Review Required?</u>
PM ₁₀	33.40**	*	15	Yes
SO ₂	38.08**	*	40	No
NO _x	756.10**	*	40	Yes
CO	43.30**	*	100	No
VOC	11.50	*	40	No

* No contemporaneous decrease/increases.

** Past actual emissions exceed permitted emission rates as a result of a change in estimation methodology. For PSD purposes, pollutant emissions increases are obtained by subtracting the proposed emission rate (future actual) from the permitted emission limit (the lower of the permitted and actual).

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

Estimated emissions from the facility, in tons per year, are as follows:

<u>Pollutant</u>	<u>Before</u>	<u>After</u>	<u>Change</u>
PM ₁₀	51.50	52.70	+ 1.20
SO ₂	220.40	258.08	+ 37.68
NO _x	246.40	1002.56	+ 756.16
CO	236.80	147.68	- 89.12
VOC *	0.20	11.97	+ 11.77

*Toxic Air Pollutants (TAPs) components total 0.01 tons per year.

Other VOC (TPY): 11.96

IV REGULATORY ANALYSIS

The applicability of the appropriate regulations is straightforward and provided in the Specific Requirements section of the proposed permit. Similarly, the Monitoring, Reporting and Recordkeeping necessary to demonstrate compliance with the applicable terms, conditions and standards are also provided in the Specific Requirements section of the proposed permit.

Applicability and Exemptions of Selected Subject Items

ID No:	Requirement	Notes
Plant wide	NSPS Subpart A – General Provisions [40 CFR 60.1-19]	APPLIES. All affected (NSPS) stationary sources comply with applicable provisions of this part.
	Comprehensive Toxic Air Pollutant Emission Control Program – LAC 33:III.5101 (State Requirement)	DOES NOT APPLY. The facility is a minor source for toxic air pollutants.
EQT 14, No. 1 Rotary Kiln, EQT 15, No. 2 Rotary Kiln,, EQT 3, No. 3 Rotary Kiln, EQT 4, No. 4 Rotary Kilns	LAC 33:III.905 – General Regulations on Control of Emissions and Emission Sources.	APPLIES -Controls shall be installed whenever feasible.
	LAC 33:III Chapter 22– Control of Emissions of Nitrogen Oxides (NO _x).	EXEMPT – Combustion equipment used for drying, baking, cooking and calcining. [LAC 33:III.2201.C.7]

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

ID No:	Requirement	Notes
	NSPS Subpart UUU – Standards of Performance for Calciners and Dryers in Mineral Industries.[40 CFR 60.730]	DOES NOT APPLY. Constructed before, and has not been modified after April 23, 1986. [40 CFR 60.730 (c)]
EQT 11, Gasoline Storage Tank	Storage of Volatile Organic Compounds [LAC 33:III.2103].	APPLIES. Storage Vessel > 250 gals and up to 40,000 gals and TVP > 1.5 psia must be equipped with a submerged fill pipe.
	NSPS Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. [40 CFR 60.110b]	DOES NOT APPLY. Storage Vessel, 75 m ³ (19,800 gals).
FUG 5, No. 1 Crusher	NSPS Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. [40 CFR 60.670]	DOES NOT APPLY – Constructed before, and has not been modified after 8/31/1983. [40 CFR 60.670 (e)]
FUG 7, General Conveyor Systems & Stockpiles	NSPS Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. [40 CFR 60.670]	DOES NOT APPLY – Constructed before, and has not been modified after 8/31/1983. [40 CFR 60.670 (e)]
FUG 8 Night Stock Pile Conveyor Systems (Aggregate Fugitives)	NSPS Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. [40 CFR 60.670]	APPLIES – Constructed after 8/31/1983. Emissions of particulate matter shall be controlled so shade is not more than 10% opacity. [40 CFR 60.670 (e)]
FUG10, No. 1 Cooler Fugitives FUG11, No. 2 Cooler Fugitives FUG12, No. 3 Cooler Fugitives FUG13, No. 4 Cooler Fugitives	NSPS Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. [40 CFR 60.670]	DOES NOT APPLY – Constructed before, and has not been modified after 8/31/1983. [40 CFR 60.670 (e)]

The above table provides explanation for both the exemption status or non-applicability of a source cited by 1, 2 or 3 in the matrix presented in Section X (Table 1) of this permit.

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

Prevention of Significant Deterioration/Nonattainment Review

A Prevention of Significant Deterioration (PSD) review is required for the modification of an existing major source that results in a significant increase of regulated pollutant(s). PM₁₀ and NO_x emissions are above the significance level and must undergo PSD review. Netting analyses indicated that the facility would not net out for PM₁₀ and NO_x emissions. The selection of the best available control technology for PM₁₀ and NO_x emissions used the "top-down" approach. Upon review of the technically feasible control options for the various effected emission points using the "top-down" BACT analyses, it was concluded that alternate control technologies have high cost effectiveness values, and/or report lower efficiencies in comparison to the plant's current controls. Consequently, the plant's existing means of PM₁₀ emissions controls ranging from cyclones (with 25.0% removal efficiency) on the coolers, to partially enclosed and/or water spray (with the same 90.0% removal efficiency) for transfer conveyors, to water spray (with 90.0% removal efficiency) for aggregate crushing operations, and product stockpiles, to watering and reduced speed limit (with 95.5% combined removal efficiency) for unpaved roads, to venturi scrubbers (with 99.6% removal efficiency) on the rotary kilns, and to good combustion and maintenance practices for controlling NO_x emissions, were determined to be the corresponding BACTs.

Streamlined Equipment Leak Monitoring Program

NA

MACT Requirements

NA

Big River Industries, Inc
Gravelite Division

Air Quality Analysis

The air dispersion modeling results are presented in the table below:

[illegible]

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

General Condition XVII Activities

The facility will comply with the applicable General Condition XVII Activities emissions as required by the operating permit rule. However, General Condition XVII Activities are not subject to testing, monitoring, reporting or recordkeeping requirements. For a list of approved General Condition XVII Activities, refer to the Section VIII – General Condition XVII Activities of the proposed permit.

Insignificant Activities

All Insignificant Activities are authorized under LAC 33:III.501.B.5. For a list of approved Insignificant Activities, refer to the Section IX – Insignificant Activities of the proposed permit.

V. PERMIT SHIELD

A permit shield was not granted

VI. PERIODIC MONITORING

Samples of periodic monitoring requirements are offered in the table below:

ID No.	Parameter	Frequency	Notes
EQT 14, 15, 3, and 4; Kilns Nos. 1, 2, 3, and 4	Lime Slurry flow rate And pH	Every 4 hours	Surrogate for scrubbers SO ₂ removal efficiencies.
EQT 14, 15, 3, and 4; Kilns Nos. 1, 2, 3, and 4	Water flow rate	Every 4 hours	Surrogate for venturi scrubbers PM ₁₀ removal efficiencies.
EQT 14, 15, 3, and 4; Kilns Nos. 1, 2, 3, and 4	Coal burned	Daily	Comply with the CAP SO ₂ emissions limit.

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

VII. GLOSSARY

Carbon Monoxide (CO) – A colorless, odorless gas, which is an oxide of carbon.

Maximum Achievable Control Technology (MACT) – The maximum degree of reduction in emissions of each air pollutant subject to LAC 33:III.Chapter 51 (including a prohibition on such emissions, where achievable) that the administrative authority, upon review of submitted MACT compliance plans and other relevant information and taking into consideration the cost of achieving such emission reduction, as well as any non-air-quality health and environmental impacts and energy requirements, determines is achievable through application of measures, processes, methods, systems, or techniques.

Hydrogen Sulfide (H₂S) – A colorless inflammable gas having the characteristic odor of rotten eggs, and found in many mineral springs. It is produced by the reaction of acids on metallic sulfides, and is an important chemical reagent.

New Source Review (NSR) – A preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under the Clean Air Act (CAA). NSR is required by Parts C ("Prevention of Significant Deterioration of Air Quality") and D ("Nonattainment New Source Review").

Nitrogen Oxides (NO_x) – Compounds whose molecules consist of nitrogen and oxygen.

Organic Compound – Any compound of carbon and another element. Examples: Methane (CH₄), Ethane (C₂H₆), Carbon Disulfide (CS₂)

Part 70 Operating Permit – Also referred to as a Title V permit, required for major sources as defined in 40 CFR 70 and LAC 33:III.507. Major sources include, but are not limited to, sources which have the potential to emit: ≥ 10 tons per year of any toxic air pollutant; ≥ 25 tons of total toxic air pollutants; and ≥ 100 tons per year of regulated pollutants (unless regulated solely under 112(r) of the Clean Air Act) (25 tons per year for sources in non-attainment parishes).

PM₁₀ – Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by the method in Title 40, Code of Federal Regulations, Part 50, Appendix J.

Potential to Emit (PTE) – The maximum capacity of a stationary source to emit any air pollutant under its physical and operational design.

Prevention of Significant Deterioration (PSD) – A New Source Review permitting program for major sources in geographic areas that meet the National Ambient

Big River Industries, Inc
Gravelite Division
Erwinville, Pointe Coupee (West Baton Rouge) Parish, Louisiana
Agency Interest Number: 1272

Air Quality Standards (NAAQS) at 40 CFR Part 50. PSD requirements are designed to ensure that the air quality in attainment areas will not degrade.

Sulfur Dioxide (SO_2) – An oxide of sulfur.

Sulfuric Acid (H_2SO_4) – A highly corrosive, dense oily liquid. It is a regulated toxic air pollutant under LAC 33:III.Chapter 51.

Title V Permit – See Part 70 Operating Permit.

Volatile Organic Compound (VOC) – Any organic compound, which participates in atmospheric photochemical reactions; that is, any organic compound other than those, which the administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity.

40 CFR PART 70 GENERAL CONDITIONS

- A. The term of this permit shall be five (5) years from date of issuance. An application for a renewal of this 40 CFR Part 70 permit shall be submitted to the administrative authority no later than six months prior to the permit expiration date. Should a complete permit application not be submitted six months prior to the permit expiration date, a facility's right to operate is terminated pursuant to 40 CFR Section 70.7(c)(ii). Operation may continue under the conditions of this permit during the period of the review of the application for renewal. [LAC 33:III.507.E.1, E.3, E.4, reference 40 CFR 70.6(a)(2)]
- B. The conditions of this permit are severable; and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [Reference 40 CFR 70.6(a)(5)]
- C. Permittee shall comply with all conditions of the 40 CFR Part 70 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [LAC 33:III.507.B.2, reference 40 CFR 70.6(a)(6)(i) & (iii)]
- D. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Reference 40 CFR 70.6(a)(6)(ii)]
- E. This permit does not convey any property rights of any sort, or an exclusive privilege. [Reference 40 CFR 70.6(a)(6)(iv)]
- F. The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. A claim of confidentiality does not relieve the permittee of the requirement to provide the information. [LAC 33:III.507.B.2, 517.F, reference 40 CFR 70.6(a)(6)(v)]
- G. Permittee shall pay fees in accordance with LAC 33:III.Chapter 2 and 40 CFR Section 70.6(a)(7). [LAC 33:III.501.C.2, reference 40 CFR 70.6(a)(7)]
- H. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the permitting authority or authorized representative to perform the following:
 - 1. enter upon the permittee's premises where a 40 CFR Part 70 source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(i)];

40 CFR PART 70 GENERAL CONDITIONS

2. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(ii)];
 3. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(iii)]; and
 4. as authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(iv)]
- I. All required monitoring data and supporting information shall be kept available for inspection at the facility or alternate location approved by the agency for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Supporting information includes calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and all reports required by the permit.
[Reference 40 CFR 70.6(a)(3)(ii)(B)]
- J. Records of required monitoring shall include the following:
1. the date, place as defined in the permit, and time of sampling or measurements;
 2. the date(s) analyses were performed;
 3. the company or entity that performed the analyses;
 4. the analytical techniques or methods used;
 5. the results of such analyses; and
 6. the operating conditions as existing at the time of sampling or measurement.
- [Reference 40 CFR 70.6(a)(3)(ii)(A)]
- K. Permittee shall submit at least semiannually, reports of any required monitoring, clearly identifying all instances of deviations from permitted monitoring requirements, certified by a responsible company official. For previously reported deviations, in lieu of attaching the individual deviation reports, the semiannual report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The semiannual reports shall be submitted to the Office of Environmental Compliance, Surveillance Division by March 31 for the preceding period encompassing July through December and September 30 for the preceding period encompassing January through June. Any quarterly deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R may be consolidated with the semi-annual reports required by this general condition as long as the report clearly indicates this and all required information is included and clearly delineated in the consolidated report. [LAC 33:III.507.H, reference 40 CFR 70.6(a)(3)(iii)(A)]
- L. The permittee shall submit at least semiannual reports on the status of compliance pursuant to 40 CFR Section 70.5 (c) (8) and a progress report on any applicable schedule of compliance pursuant to 40 CFR Section 70.6 (c) (4). [LAC 33:III.507.H.1, reference 40 CFR 70.6(c)(4)]
- M. Compliance certifications per LAC 33:III.507.H.5 shall be submitted to the Administrator as well as the permitting authority. For previously reported compliance deviations, in lieu of

40 CFR PART 70 GENERAL CONDITIONS

attaching the individual deviation reports, the annual report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance, Surveillance Division by March 31 for the preceding calendar year. [LAC 33:III.507.H.5, reference 40 CFR 70.6(c)(5)(iv)]

- N. If the permittee seeks to reserve a claim of an affirmative defense as provided in LAC 33:III.507.J.2, the permittee shall, in addition to any emergency or upset provisions in any applicable regulation, notify the permitting authority within 2 working days of the time when emission limitations were exceeded due to the occurrence of an upset. In the event of an upset, as defined under LAC 33:III.507.J, which results in excess emissions, the permittee shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an emergency occurred and the cause was identified; 2) the permitted facility was being operated properly at the time; and 3) during the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standard or requirement of the permit. [LAC 33:III.507.J.2, reference 40 CFR 70.6(g)(3)(iv) & (i-iii)]
- O. Permittee shall maintain emissions at a level less than or equal to that provided for under the allowances that the 40 CFR Part 70 source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act. [Reference 40 CFR 70.6(a)(4)]
- P. Any permit issued pursuant to 40 CFR Part 70 may be subject to reopening prior to the expiration of the permit for any of the conditions specified in 40 CFR Section 70.7(f) or LAC 33:III.529. [LAC 33:III.529.A-B, reference 40 CFR 70.7(f)]
- Q. Permittee may request an administrative amendment to the permit to incorporate test results from compliance testing if the following criteria are met:
1. the changes are a result of tests performed upon start-up of newly constructed, installed, or modified equipment or operations;
 2. increases in permitted emissions will not exceed five tons per year for any regulated pollutant;
 3. increases in permitted emissions of Louisiana toxic air pollutants or of federal hazardous air pollutants would not constitute a modification under LAC 33:III. Chapter 51 or under Section 112 (g) of the Clean Air Act;
 4. changes in emissions would not require new source review for prevention of significant deterioration or nonattainment and would not trigger the applicability of any federally applicable requirement;

40 CFR PART 70 GENERAL CONDITIONS

5. changes in emissions would not qualify as a significant modification; and
 6. the request is submitted no later than 12 months after commencing operation. [LAC 33:III.523.A, reference 40 CFR 70.7(d)]
- R. Permittee shall submit prompt reports of all permit deviations as specified below to the Office of Environmental Compliance, Surveillance Division. All such reports shall be certified by a responsible official in accordance with 40 CFR 70.5(d).
1. A written report shall be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.
 2. A written report shall be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.
 3. A written report shall be submitted quarterly to address all permit deviations not included in paragraphs 1 or 2 above. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The quarterly deviation reports submitted on March 31 and September 30 may be consolidated with the semi-annual reports required by Part 70 General Condition K as long as the report clearly indicates this and all required information is included and clearly delineated in the consolidated report. For previously reported permit deviations, in lieu of attaching the individual deviation reports, the quarterly report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any permit deviations occurring during the corresponding specified calendar quarter:
 - a. Report by June 30 to cover January through March
 - b. Report by September 30 to cover April through June
 - c. Report by December 31 to cover July through September
 - d. Report by March 31 to cover October through December
 4. Any written report submitted in advance of the timeframes specified above, in accordance with an applicable regulation, may serve to meet the reporting requirements of this condition provided such reports are certified in accordance with 40 CFR 70.5(d) and contain all information relevant to the permit deviation. Reporting under this condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33.I.Chapter 39, LAC 33.III.Chapter 9, and LAC 33.III.5107. [Reference 40 CFR 70.6(a)(3)(iii)(B)]
- S. Permittee shall continue to comply with applicable requirements on a timely basis, and will meet on a timely basis applicable requirements that become effective during the permit term. [Reference 40 CFR 70.5(c)(8)(iii)]

- T. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156;
 2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158;
 3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161;
 4. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166. ("MVAC-like appliance" as defined at 40 CFR 82.152);
 5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156; and
 6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166. [Reference 40 CFR 82, Subpart F]
- U. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant. [Reference 40 CFR 82, Subpart B]

- V. Data availability for continuous monitoring or monitoring to collect data at specific intervals: Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the emissions unit is operating. For purposes of reporting monitoring deviations under Part 70 General Conditions K and R, and unless otherwise provided for in the Specific Requirements (or Table 3) of this permit, the minimum degree of data availability shall be at least 90% (based on a monthly average) of the operating time of the emissions unit or activity being monitored. This condition does not apply to Leak Detection and Repair (LDAR) programs for fugitive emissions (e.g., 40 CFR 60 Subpart VV, 40 CFR 63 Subpart H).

**LOUISIANA AIR EMISSION PERMIT
GENERAL CONDITIONS**

- I. This permit is issued on the basis of the emissions reported in the application for approval of emissions and in no way guarantees that the design scheme presented will be capable of controlling the emissions to the type and quantities stated. Failure to install, properly operate and/or maintain all proposed control measures and/or equipment as specified in the application and supplemental information shall be considered a violation of the permit and LAC 33:III.501. If the emissions are determined to be greater than those allowed by the permit (e.g. during the shakedown period for new or modified equipment) or if proposed control measures and/or equipment are not installed or do not perform according to design efficiency, an application to modify the permit must be submitted. All terms and conditions of this permit shall remain in effect unless and until revised by the permitting authority.
- II. The permittee is subject to all applicable provisions of the Louisiana Air Quality Regulations. Violation of the terms and conditions of the permit constitutes a violation of these regulations.
- III. The Emission Rates for Criteria Pollutants, Emission Rates for TAP/HAP & Other Pollutants, and Specific Requirements sections or, where included, Emission Inventory Questionnaire sheets establish the emission limitations and are a part of the permit. Any operating limitations are noted in the Specific Requirements or, where included, Tables 2 and 3 of the permit. The synopsis is based on the application and Emission Inventory Questionnaire dated February 7, 2006.
- IV. This permit shall become invalid, for the sources not constructed, if:
 - A. Construction is not commenced, or binding agreements or contractual obligations to undertake a program of construction of the project are not entered into, within two (2) years (18 months for PSD permits) after issuance of this permit, or;
 - B. If construction is discontinued for a period of two (2) years (18 months for PSD permits) or more.

The administrative authority may extend this time period upon a satisfactory showing that an extension is justified.

This provision does not apply to the time period between construction of the approved phases of a phased construction project. However, each phase must commence construction within two (2) years (18 months for PSD permits) of its projected and approved commencement date.
- V. The permittee shall submit semiannual reports of progress outlining the status of construction, noting any design changes, modifications or alterations in the construction schedule which have or may have an effect on the emission rates or ambient air quality levels. These reports shall continue to be submitted until such time as construction is certified as being complete. Furthermore, for any significant change in the design, prior approval shall be obtained from the Office of Environmental Services, Air Permits Division.
- VI. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services, Air Permits Division within ten (10) calendar days from the date that construction is certified as complete and the estimated date of start-up of operation. The appropriate Regional Office shall also be so notified within the same time frame.

**LOUISIANA AIR EMISSION PERMIT
GENERAL CONDITIONS**

- VII. Any emissions testing performed for purposes of demonstrating compliance with the limitations set forth in paragraph III shall be conducted in accordance with the methods described in the Specific Conditions and, where included, Tables 1, 2, 3, 4, and 5 of this permit. Any deviation from or modification of the methods used for testing shall have prior approval from the Office of Environmental Assessment, Air Quality Assessment Division.
- VIII. The emission testing described in paragraph VII above, or established in the specific conditions of this permit, shall be conducted within sixty (60) days after achieving normal production rate or after the end of the shakedown period, but in no event later than 180 days after initial start-up (or restart-up after modification). The Office of Environmental Assessment, Air Quality Assessment Division shall be notified at least (30) days prior to testing and shall be given the opportunity to conduct a pretest meeting and observe the emission testing. The test results shall be submitted to the Air Quality Assessment Division within sixty (60) days after the complete testing. As required by LAC 33:III.913, the permittee shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities for proper determination of the emission limits.
- IX. The permittee shall, within 180 days after start-up and shakedown of each project or unit, report to the Office of Environmental Compliance, Surveillance Division any significant difference in operating emission rates as compared to those limitations specified in paragraph III. This report shall also include, but not be limited to, malfunctions and upsets. A permit modification shall be submitted, if necessary, as required in Condition I.
- X. The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of this permit for a minimum of at least five (5) years.
- XI. If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in this permit, the permittee shall provide the Office of Environmental Compliance, Surveillance Division with a written report as specified below.
- A. A written report shall be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.
 - B. A written report shall be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.
 - C. A written report shall be submitted quarterly to address all emission limitation exceedances not included in paragraphs A or B above. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:
 - 1. Report by June 30 to cover January through March
 - 2. Report by September 30 to cover April through June
 - 3. Report by December 31 to cover July through September
 - 4. Report by March 31 to cover October through December

**LOUISIANA AIR EMISSION PERMIT
GENERAL CONDITIONS**

D. Each report submitted in accordance with this condition shall contain the following information:

1. Description of noncomplying emission(s);
2. Cause of noncompliance;
3. Anticipated time the noncompliance is expected to continue, or if corrected, the duration of the period of noncompliance;
4. Steps taken by the permittee to reduce and eliminate the noncomplying emissions; and
5. Steps taken by the permittee to prevent recurrences of the noncomplying emissions.

E. Any written report submitted in advance of the timeframes specified above, in accordance with an applicable regulation, may serve to meet the reporting requirements of this condition provided all information specified above is included. For Part 70 sources, reports submitted in accordance with Part 70 General Condition R shall serve to meet the requirements of this condition provided all specified information is included. Reporting under this condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33.I.Chapter 39, LAC 33.III.Chapter 9, and LAC 33.III.5107.

XII. Permittee shall allow the authorized officers and employees of the Department of Environmental Quality, at all reasonable times and upon presentation of identification, to:

- A. Enter upon the permittee's premises where regulated facilities are located, regulated activities are conducted or where records required under this permit are kept;
- B. Have access to and copy any records that are required to be kept under the terms and conditions of this permit, the Louisiana Air Quality Regulations, or the Act;
- C. Inspect any facilities, equipment (including monitoring methods and an operation and maintenance inspection), or operations regulated under this permit; and
- D. Sample or monitor, for the purpose of assuring compliance with this permit or as otherwise authorized by the Act or regulations adopted thereunder, any substances or parameters at any location.

XIII. If samples are taken under Section XII.D. above, the officer or employee obtaining such samples shall give the owner, operator or agent in charge a receipt describing the sample obtained. If requested prior to leaving the premises, a portion of each sample equal in volume or weight to the portion retained shall be given to the owner, operator or agent in charge. If an analysis is made of such samples, a copy of the analysis shall be furnished promptly to the owner, operator or agency in charge.

XIV. The permittee shall allow authorized officers and employees of the Department of Environmental Quality, upon presentation of identification, to enter upon the permittee's premises to investigate potential or alleged violations of the Act or the rules and regulations adopted thereunder. In such investigations, the permittee shall be notified at the time entrance

**LOUISIANA AIR EMISSION PERMIT
GENERAL CONDITIONS**

is requested of the nature of the suspected violation. Inspections under this subsection shall be limited to the aspects of alleged violations. However, this shall not in any way preclude prosecution of all violations found.

- XV. The permittee shall comply with the reporting requirements specified under LAC 33:III.919 as well as notification requirements specified under LAC 33:III.927.
- XVI. In the event of any change in ownership of the source described in this permit, the permittee and the succeeding owner shall notify the Office of Environmental Services, Air Permits Division, within ninety (90) days after the event, to amend this permit.
- XVII. Very small emissions to the air resulting from routine operations, that are predictable, expected, periodic, and quantifiable and that are submitted by the permitted facility and approved by the Air Permits Division are considered authorized discharges. Approved activities are noted in the General Condition XVII Activities List of this permit. To be approved as an authorized discharge, these very small releases must:
1. Generally be less than 5 TPY
 2. Be less than the minimum emission rate (MER)
 3. Be scheduled daily, weekly, monthly, etc., or
 4. Be necessary prior to plant startup or after shutdown [line or compressor pressuring/depressuring for example]

These releases are not included in the permit totals because they are small and will have an insignificant impact on air quality. This general condition does not authorize the maintenance of a nuisance, or a danger to public health and safety. The permitted facility must comply with all applicable requirements, including release reporting under LAC 33:I.3901.

- XVIII. Provisions of this permit may be appealed in writing pursuant to La. R.S. 30:2024(A) within 30 days from receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing, unless the secretary or the assistant secretary elects to suspend other provisions as well. Construction cannot proceed except as specifically approved by the secretary or assistant secretary. A request for hearing must be sent to the following:

Attention: Office of the Secretary, Legal Services Division
La. Dept. of Environmental Quality
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

- XIX. Certain Part 70 general conditions may duplicate or conflict with state general conditions. To the extent that any Part 70 conditions conflict with state general conditions, then the Part 70 general conditions control. To the extent that any Part 70 general conditions duplicate any state general conditions, then such state and Part 70 provisions will be enforced as if there is only one condition rather than two conditions.